

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTIAN POWELL

Plaintiff,

-vs-

NOTICE OF MOTION

Civil Action No.: 1:21-CV-00721

CITY OF JAMESTOWN,
CITY OF JAMESTOWN CLERK,
JAMESTOWN POLICE DEPARTMENT,
JAMESTOWN POLICE CHIEF TIMOTHY
JACKSON, COUNTY OF CHAUTAUQUA,
CHAUTAUQUA COUNTY SHERIFF'S
OFFICE, CHAUTAUQUA COUNTY
SHERIFF JAMES B. QUATTRONE,
CHAUTAUQUA COUNTY UNDERSHERIFF
DARRYL W. BRALEY, JOHN DOES 1-10,
said names being fictitious but intended to be
any other individual/officers involved in the within
incident and employees of the CITY OF
JAMESTOWN and/or JAMESTOWN POLICE
DEPARTMENT in their individual and official
capacities, and JOHN DOES 1-10, said names being
fictitious but intended to be any other individual/officers
involved in the within incident and employees of the
COUNTY OF CHAUTAUQUA and/or CHAUTAUQUA
COUNTY SHERIFF'S OFFICE in their individual
and official capacities,

Defendants.

NATURE OF ACTION: Negligence/Intentional Tort/Civil Rights

MOVING PARTY: Defendants, City of Jamestown, City of Jamestown Clerk, Jamestown Police Department, Jamestown Police Chief Timothy Jackson, and John Does(s) being employees of the City of Jamestown and/or Jamestown Police Department (collectively the "City Defendants").

DIRECT TO: Plaintiff.

DATE, TIME, & PLACE: To be scheduled and determined by the Court.

SUPPORTING PAPERS: Declaration of Elliot S. Raimondo, with Exhibits, Declaration of Police Officer Carter Obergfell with Exhibits, Declaration of Police Officer Kevin Wise, with Exhibits, Declaration of Police Officer Mark Conklin with Exhibits, Declaration of Police Officer John Conti with Exhibits.

ANSWERING PAPERS: In accordance with Local Rule 7.1(b)(2)(B), answering papers, if any, shall be filed and served within fourteen (14) days from the service of this motion, unless the Court issues an Order setting deadlines pursuant to Local Rule 7(b)(1).

REPLY PAPERS: Pursuant to Rule 7.1(a)(1), the City Defendants intend to file and serve reply papers.

RELIEF SOUGHT: An Order dismissing Plaintiff's Complaint against the City Defendants, in its entirety and with prejudice, together with such other and further relief as the Court deems to be necessary, just, and proper.

GROUND FOR RELIEF: F.R.C.P. 12 (b)(6).

DATED: August 27, 2021

/s/ Elliot S. Raimondo

Elliot S. Raimondo, Esq.
Corporation Counsel-City of Jamestown
Attorney City Defendants
City of Jamestown, City of Jamestown Clerk,
Jamestown Police Department, Jamestown
Police Chief Timothy Jackson, and JOHN
DOES 1-10, said names being fictitious but
intended to be any other individual/officers
involved in the within incident and
employees of the CITY OF JAMESTOWN
and/or JAMESTOWN POLICE
DEPARTMENT in their individual and
official capacities
raimondo@jamestownny.gov
200 E. Third Street, Fl. 4

Jamestown, New York 14701
Telephone: (716) 483-7540
Fax: (716) 483-7591

TO: **SHAW & SHAW, P.C.**
Blake Zaccagnino, Esq.
Attorney for Plaintiff
4819 South Park Avenue
Hamburg, NY 14075
bzaccagnino@shawlawpc.com

WEBSTER SZANYI LLP.

Peter Veech, Esq.
Michael P. McClaren, Esq.
Attorneys for Defendants
*County of Chautauqua, Chautauqua County Sheriff's Office,
Chautauqua County Sheriff James B. Quattrone and
Chautauqua County Undersheriff Darryl W. Braley, and John Does(s) being
employees of the County of Chautauqua and/or Chautauqua County Sheriff's
Office*
1400 Liberty Building
Buffalo, New York 14202
(716) 842-2800
mmcclaren@websterszanyi.com
pveech@websterszanyi.com